

REMARKS

Claims 1-31 are pending in this application. Applicant respectfully requests reconsideration of the pending claims, in view of the claim amendments above and comments below.

Claim Rejections - 35 USC § 112

Claims 4, 8, 10, 11, 12, 13, 20, 21, 23, 29, 30, and 31 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended the claim language on the above claims and believes that they now conform with 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 102 and 35 USC § 103

Claims 8-9, 11, 14 stand rejected under 35 U.S.C. 102(e) as being anticipated by Lee USPN 6,442,432.

Claims 1, 3-7, 12, 15-16, 18-22, 24-25, 27-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lee USPN 6,442,432 in view of Bauhahn et al. USPN 7,082,333 or Boies et al. USPN 6,539,947.

Applicant respectfully traverses the rejection.

Applicant submits that amended independent claims 1, 8, 15 and 24 include limitations not disclosed or suggested in Lee '432, Bauhahn et al. '333 and Boies et al. '947 either alone or in combination.

Lee '432 teaches networking with a central collaborative computer and the patent disclosure as a whole suggests routing the IMD data to a central computer system. Bauhahn '333 teaches to create personalized therapy programs. The Bauhahn '333 disclosure as a whole allows a patient to access stored preset patient therapy programs and to create personalized therapy programs from preset therapy programs to accommodate the patient's particular activity. Bauhahn '333 does not teach or suggest that new programs be created by the physician and remotely downloaded by the physician to be tried by the patient.

Boies '947 is generally directed to determining a setting for implantable devices based on the activity information and the configuration information.

Lee '432 alone or in combination with Bauhahn '333 and/or Boies '947 do not teach or suggest the claimed combination of the amended independent claims 1, 8, 15 and 24.

Applicant submits that dependent claims 2-7, 9-14, 16-23 and 25-31 are dependent on independent claims 1, 8, 15 and 24, and therefore should be allowable at least because of their dependence on the respective independent claims.

It is respectfully submitted that the rejections have been overcome and the pending claims are in condition for allowance. An indication of allowability of pending claims is earnestly solicited.

If the Examiner has any comments or suggestions which could place this application in even better form, or if the Examiner feels that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, reading "Birinder K. Boveja". The signature is written in a cursive style with a large, stylized 'B' and 'K'.

Birinder (Bob) Boveja

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